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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

This Document Relates to:

Sharp Electronics Corp., et al. v. Hitachi, Ltd., et al.,
Case No. 13-cv-1173 SC

and

*Sharp Electronics Corp., et al. v. Koninklijke Philips
Electronics N.V., et al.,* Case No. 13-cv-2776 SC.

Case No. 07-cv-5944 SC
MDL No. 1917

**PLAINTIFFS SHARP
ELECTRONICS CORPORATION &
SHARP ELECTRONICS
MANUFACTURING COMPANY OF
AMERICA, INC.'S OPPOSITION
TO DEFENDANTS' MOTION IN
LIMINE NO. 8**

[REDACTED VERSION OF DOCUMENT
TO BE FILED UNDER SEAL]

Hearing Date: None set
Judge: Hon. Samuel Conti

Defendants' Motion in Limine No. 8 purports to be directed to plaintiffs who seek "[t]o recover damages based on their domestic purchases of televisions and monitors containing CRTs whose prices were allegedly the subject of foreign price fixing" Defs.' Mot. in Limine No. 8 (MDL Dkt. No. 3563) at 1. Sharp¹ does not fall into this category; Sharp's claims for damages here are based entirely on purchases of CRTs bought in the United States – not purchases of televisions and monitors containing CRTs. Sharp's Second Amended Complaint (MDL Dkt. No. 2621) at ¶¶ 1, 25-27. Accordingly, to the extent that Defendants' brief relates to spillover effect through CRT finished products, it is irrelevant to Sharp.²

With respect to U.S. CRT prices, the evidence in the case suggests far more than a mere "spillover" effect on U.S. CRT prices from information exchanges or price-fixing occurring elsewhere. Numerous communications and information exchanges involved information about or relating to the North American market, irrespective of where the communication took place.

[REDACTED]

¹ "Sharp" refers to Sharp Electronics Corporation and Sharp Electronics Manufacturing Company of America, Inc.

² Notably, presumably for this reason, Defendants excluded Sharp from their summary judgment motions in which they sought summary judgment against the plaintiffs for lack of cognizable antitrust injury under the FTAIA. (MDL Dkt. Nos. 3006, 3008, & 3032.)

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED].

9 Sharp's fact witness, Toshihito Nakanishi, also stated that there was a relationship
10 between the Asian CRT prices and NAFTA CRT prices, which varied based only on costs of
11 shipments, tariffs, and duties. Benson Decl., Ex. C, Deposition of Toshihito Nakanishi (July 30,
12 2014) at 357:6-358:20.

13 Likewise, Dr. Hausman, Sharp's economic expert, opined that
14
15 [I]nformation exchanges pertaining to the rest of the world can still have an effect
16 on North American CPT prices. As discussed above, while U.S. prices were
17 typically higher, both CPTs and finished televisions were imported into North
18 America. This opportunity to substitute imported CPTs and televisions limits the
19 extent to which prices can increase above competitive levels in North America.
However, it also means that if prices in the rest of the world increase (due to
information exchanges in the rest of the world), the amount by which prices in
North American can be increased above competitive levels due to information in
exchanges in North America also increases.

20 Expert Report of Dr. Jerry Hausman (April 15, 2014) at ¶ 29, Benson Decl., Ex. D.

21 CONCLUSION

22
23 For the foregoing reasons, Sharp respectfully requests that the Court deny
24 defendants' Motion in Limine No. 8.
25
26
27

1 DATED: February 27, 2015 By: /s/ Craig A. Benson

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